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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,276	11/27/2001	David B. Donahue	10547-0020-999	2346

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER

HAMZA, FARUK

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,276

Applicant(s)

DONAHUE ET AL.

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 25-27 is/are pending in the application.
4a) Of the above claim(s) 23 and 24 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 and 25-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to amendment

1. This action is responsive to the amendment filed on April 07, 2006. Claims 16, 21 and 22 have been amended. Claims 23-24 have been canceled. Claims 1-22 and 25-27 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the automatic configuration" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-8, 14-16, 17, 19, 22-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huotari et al. (U.S. Pub No.

2002/0004935) hereinafter referred as Huotari and further in view of O'Toole et al. (U.S. Patent Number 6,345,294) hereinafter referred as O'Toole.

Huotari teaches the invention substantially as claimed including an automated installation and configuration system automatically configures DSL modems and associated user systems (See abstract).

As to claims 1, Huotari teaches a method for the automatic configuration of a bi-directional Internet protocol communication device (See abstract), comprising:

receiving said basic configuration details including and IP address from a server, where said basic configuration details are assigned to said unique user based on said unique bi-directional IP communication device identifier (abstract, P[0066]-P[0072], P[0082], Huotari discloses receiving configuration details);

configuring said bi-directional IP communication device with said basic configuration details (abstract, P[0066]-P[0072], Huotari configuration details).

Huotari does not explicitly teach the claimed limitation of broadcasting a request for configuration and receiving IP address from a server.

However, O'Toole teaches the claimed limitation of broadcasting a request for configuration and receiving IP address from a server (Column 1, lines 65-Column 2, lines 35, Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huotari by adding functionality for broadcasting a request for configuration and receiving IP address from a server, which will allow the device to obtain configuration information and receive IP address. One would be motivated to do so to enhance the system's communication.

Claims 17, 19, 22 and 26 do not teach or define any new limitation other than above claim 1 and therefore are rejected for similar reasons.

As to claim 2, Huotari teaches where said bi-directional IP communication device is a Digital subscriber Line (DSL) gateway.

Huotari does not explicitly teach the claimed limitation of Dynamic Host Configuration Protocol (DHCP) server.

However, O'Toole teaches the claimed limitation of Dynamic Host Configuration Protocol (DHCP) server (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huotari by adding Dynamic Host Configuration Protocol (DHCP) server, which will provide dynamic IP addressing functionality. One would be motivated to do so to enhance the system's communication.

Claims 18 and 20 do not teach or define any new limitation other than above claim 2 and therefore are rejected for similar reasons.

As to claim 3, Huotari teaches the method of claim 2.

Huotari does not explicitly teach the claimed limitation of Dynamic Host Configuration Protocol (DHCP) server.

However, O'Toole teaches the claimed limitation of Dynamic Host Configuration Protocol (DHCP) server (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huotari by adding Dynamic Host Configuration Protocol (DHCP) server, which will provide dynamic IP addressing functionality. One would be motivated to do so to enhance the system's communication.

As to claim 4, Huotari teaches the method of claim 1, further comprising transmitting a configuration request for additional configuration details (abstract, P[0066]-P[0072]).

As to claim 5, Huotari teaches the method of claim 4, further comprising receiving said additional configuration details specific to said unique user (P[0066]-P[0072]).

As to claim 6, Huotari teaches the method of claim 5, further comprising configuring said bi-directional IP communication device with said additional configuration details (P[0066]-P[0072]).

As to claim 7, Huotari teaches the method of claim 1, further comprising, before said broadcasting step, the steps of:

connecting said bi-directional IP communication device to an analog telephone line (P[005]-P[006]); and

powering said bi-directional IP communication device on (P[005]-P[006]).

As to claim 8, Huotari teaches the method of claim 1, further comprising, before said broadcasting step, the step of automatically detecting a DSL communication circuit (P[005]-P[008]).

As to claim 9, Huotari teaches the method of claim 1, further comprising, before said broadcasting step, the step of automatically determining Permanent Virtual Circuit (PVC) details for communications between said bi-directional IP communication device and a communications network (P[0038]).

As to claim 10, Huotari teaches the method of claim 9, wherein said determining comprises the step of ascertaining a VPI/VCI (Virtual Path Identifier/Virtual Channel Identifier) pair for said communications (P[0080]-[0081]).

As to claim 11, Huotari teaches the method of claim 1.

Huotari does not explicitly teach the claimed limitation of broadcasting a DHCP Discover request.

However, O'Toole teaches broadcasting a DHCP Discover request (Column 1, lines 65-Column 2, lines 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huotari by adding DHCP discover request, which will provide dynamic IP addressing functionality. One would be motivated to do so to enhance the system's communication.

Claims 12-14 do not teach or define any new limitation other than above claim 11 and therefore are rejected for similar reasons.

As to claim 15, Huotari teaches the method of claim 1, further comprising, prior to said configuring step, the steps of:

assigning said unique bi-directional IP communication device identifier to said bi-directional IP communication device (P[0065]-P[0068],P[0082]-P[0085]);
and

associating said unique bi-directional IP communication device identifier with said unique user (P[0065]-P[0068],P[0082]-P[0085]).

As to claim 16, Huotari teaches the method of claim 15, further comprising generating a configuration table listing bi-directional IP communication device identifiers and associated users (P[0065]-P[0068],P[0082]-P[0085]).

As to claim 21, Huotari teaches the method of claim 1, wherein a configuration table listing device identifiers, their associated users, and each user's basic configuration is stored in the server (P[0065]-P[0068],P[0082]-P[0085]).

As to claims 25 and 27, Hughes teaches a method comprising before said broadcasting step, the step of automatically detecting a dial-tone for the internet protocol (P[0056]).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Lund (U.S. Patent Number 7,046,675) discloses method for configuring DSL device.
 - Davis et al. (U.S. Patent Number 6,700,955) discloses system and method for remote management of a DSL device.

- Sitaraman et al. (U.S. Patent Number 6,427,170) discloses integrated IP address management.
- Vafaei (U.S. Patent Number 7,035,257) discloses system and method to discover and configure remotely located network device.
- Matsuda et al. (U.S. Patent Number 7,039,688) discloses method and system for automatic network configuration.
- Senapati et al. (U.S. Patent Number 7,047,304) discloses method for provisioning broadband service in a PPPOE network.
- Oksman et al. (U.S. Patent Number 6,985,565) discloses configurable DSL modem for high bit rates.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more

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information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER